

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**BRIGHTON CROSSING  
CONDOMINIUM ASSOCIATION,  
et. al.,**

**Plaintiffs,**

**vs**

**AMERICAN FAMILY MUTUAL  
INSURANCE COMPANY,**

**Defendant.**

**Case No. 4:15-CV-887**

**JOINT MOTION TO AMEND THE SCHEDULING AND TRIAL ORDER**

COMES NOW Defendant American Family Mutual Insurance Company, Plaintiff Brighton Crossing Condominium Association and Plaintiff Brighton Crossing Homeowners Association to request to postpone the discovery deadline until November 18, 2016. The parties state as follows in support of the Joint Motion to Amend the Scheduling and Trial Order.

1. On March 16, 2016 the Court entered the Scheduling and Trial Order (Doc. 19) that set June 24, 2016 as the deadline for discovery.
2. On May 13, 2016 the Court entered the Amended Scheduling Order (Doc. 30) that set September 22, 2016 as the amended deadline for discovery.
3. On September 6, 2016 the Court issued an order resolving the parties' discovery issues and, if the parties need to postpone the discovery deadline, to file a motion to amend the Scheduling and Trial Order. (Doc. 52).
4. The parties agree that additional time to conduct discovery will be necessary.

5. Defendant represents that the parties are working on scheduling the deposition of Robert Kitto but the earliest date appears to be November 4, 2016, in either St. Louis, Missouri or Houston, Texas. The parties continue to schedule the depositions of the former president of Plaintiffs' board as well as other fact witnesses and non-party witnesses. Defendant conducted a site inspection of Plaintiffs' properties on September 7, 2016, and served its Response and Objections to Plaintiffs' Second Interrogatories and Response and Objections to Plaintiffs' Third Request for Production. Defendant is also working on identifying representatives capable of responding to topics set forth in Plaintiffs' corporate representative deposition notice.

6. Plaintiffs have sought leave of the Court to depose Defendant's expert, Mark O'Connor. With leave, Plaintiffs anticipate setting this deposition as soon as possible. In addition, Plaintiffs will need to conference with Defendant regarding Defendant's recent discovery responses and anticipate that another discovery issue may arise. After the close of discovery, Plaintiffs seek a trial date as soon as the Court is available.

7. As such, the parties request to postpone the close of discovery until November 18, 2016.

WHEREFORE, Defendant American Family Mutual Insurance Company, Plaintiff Brighton Crossing Condominium Association and Plaintiff Brighton Crossing Homeowners Association to request to postpone the discovery deadline until November 18, 2016.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of September, 2016, the foregoing instrument was electronically filed with the Clerk of the Court and served upon all counsel of record via the Court's CM/ECF system.

/s/ Benjamin M. Fletcher